

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALLAS BUYERS CLUB, LLC,

Plaintiff,

v.

JOHN DOES 1 THROUGH 10,

Defendants.

CASE NO. C14-1684RAJ

ORDER

This matter comes before the court on Plaintiff's motion requesting leave to issue a subpoena and to delay naming a party who Plaintiff can name as a Defendant. For the reasons stated in the court's July 1, 2015 order in Case No. C14-1819, which the court includes as an attachment to this order, the court GRANTS the motion (Dkt. # 21) only to the extent stated in this order.

The court orders as follows:

- 1) Plaintiff need not file an amended complaint at this time.
- 2) For any future document that Plaintiff files in this case, and any future order the court issues (including this order and its attachment), Plaintiff shall serve a copy upon any party who it is prepared to name as a Defendant, and it shall serve a copy upon any person who is the target of a pending subpoena or a subpoena it plans to issue. Plaintiff shall accompany each filing with a certificate of service that reflects its compliance with the requirement. When Plaintiff serves an order, it shall also file a certificate of service. To the extent

1 that a person who this order entitles to service will receive notice via electronic
2 filing (through counsel or otherwise), Plaintiff need not take additional steps
3 for service.

4 3) Plaintiff shall cease to file ex parte motions, except in cases where Plaintiff has
5 yet to learn the identity of any potential defendant or subpoena target other
6 than an internet service provider. Plaintiff shall note its motions for relief on
7 the third Friday following their filing, and any person whose interests are
8 impacted by the motion may oppose it no later than the Monday preceding that
9 third Friday.


10 4) Plaintiff may issue a subpoena in the manner it proposed in its motion. That
11 subpoena shall demand only deposition testimony at a deposition of two hours
12 or fewer, and shall provide for at least 30 days from the date of service for
13 compliance.

14 5) Within 90 days of service of the subpoena, Plaintiff must either dismiss its
15 claim against the Doe defendant whose investigation led to the subpoena, file a
16 statement that it is prepared to name that Doe defendant, file an amended
17 complaint naming that Doe defendant, or file a statement explaining why it has
18 not taken one of the other options.

19 6) When Plaintiff is prepared to name a defendant, it shall notify that person with
20 a letter stating that Plaintiff is prepared to name him or her as a defendant, but
21 that it prefers to delay naming him or her until it can name all other defendants.
22 That letter shall inform the person that he or she has may demand that Plaintiff
23 name him or her. If the person exercises that option, and Plaintiff is not
24 prepare to file an amended complaint naming all remaining defendants,
25 Plaintiff shall file a new civil action naming only that person, and shall
26 thereafter dismiss that person from this lawsuit.

1 7) Plaintiff need not provide a copy of this order or take any further action with
2 respect to any individual or entity with which it has reached a settlement or
3 other permanent resolution of its claims.

4 DATED this 1st day of July, 2015.

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6 The Honorable Richard A. Jones
7 United States District Judge
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